



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,197	12/01/2003	Xuejun Wang	YAH0/003	9816

26291 7590 11/28/2005

MOSER, PATTERSON & SHERIDAN L.L.P.
595 SHREWSBURY AVE, STE 100
FIRST FLOOR
SHREWSBURY, NJ 07702

EXAMINER

AMSBURY, WAYNE P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,197	Applicant(s) WANG ET AL.	
	Examiner Wayne Amsbury	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-50 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2161

CLAIMS 1-50 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

These claims are abstract concepts that describe potentially statutory inventions, but they do not fall within the categories noted above. In particular, the "apparatus" of claims 21-29 is set forth as the abstract description of the functionality of software or of other potentially tangible means, but the description is not statutory *per se*.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 15, 19-30, 31-42, 45 and 49-50 are rejected under 35

U.S.C. 102(e) as being anticipated by Zamir et al (Zamir), US 2005/0240580, 27 October 2005.

Zamir is directed to searches that involve a user profile that determines the interest of the user [0002], [0010].

As to **claim 1**:

A method for searching, said method comprising the steps of:
receiving a first search term; and
providing a plurality of candidate search terms related to said first search term,
wherein said candidate search terms are generated in accordance with relevancy scores.

A search term is received when a user submits a search query [FIG 1]. A plurality of search terms is associated with the query terms in a plurality of ways [FIG 2], [0011], including a term-based profile [FIG 2, 231], [0031], [0041]. Search terms are given weights that are generated in accordance with relevancy scores [0040]-[0043], [FIG 3].

As to **claim 3**, the user click stream can be used to determine relevancy [0054].

As to **claims 2 and 4-5**, it is the nature of advertisements that they are associated with sales, brands and products, and are included in placed content [0011].

As to **claims 6-7**, previous searches correspond to related searches [0032] and they are associated with links [0033].

As to **claim 8**, Zamir provides for user profiles to be aggregated [0046], and generated and/or stored on servers or at the client [0047], both of which imply that the candidates may not be generated on-line during a specific query.

As to **claims 9-10**, Zamir uses a profile table [FIG 3, 0048] that corresponds to a look-up table, and hash tables [0057].

Art Unit: 2161

As to **claims 11-12**, Zamir applies paragraph sampling that includes selection of the first N words of a paragraph [0061, 0062], and this corresponds to a span.

As to **claim 15**, the category map of FIG 4A corresponds to a dictionary [0045], [0052], [0053].

As to **claim 19**, Zamir aggregates and weights terms accumulated over a period of time and/or at predetermined times or elapsed times [0045], [0075].

As to **claim 20**, Zamir teaches the use of context analysis [0065], which includes the display position of candidate search terms.

The elements of **claims 21-30, 31-42, 45 and 49-50** are rejected in the analysis above and these claims are rejected on that basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2161

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13-14, 16-18, 43-44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamir et al (Zamir), US 2005/0240580, 27 October 2005.

As to **claims 13-14**, the inflection distance as defined at [0043] of the US PUB for this case, 2005/0108210, the only embodiments set forth involve a number of words or letters that are different between similar search terms. The definition is clearly intended to be broader than those embodiments, in the form of some "distance", which reduces to a *metric on pairs*. It was common practice at the time of the invention to provide for mathematical (metric) similarity measures between search terms [Zamir 0048 and 0049], but Zamir specifies a weight rather than a distance between terms. It is necessary to use distances in some form in order to cluster terms or to determine the relationship between specific pairs of terms, both of which were well known in the art and well within the purview of one of ordinary skill. More importantly, sorting and ranking are fundamentally determined by comparisons of pairs. In Zamir, both pages and placed content items are ranked.

It would have been obvious to one of ordinary skill in the art at the time of the invention to determine inflection because it provides an efficient basis for ranking pages and placed content.

As to **claims 16-18**, Zamir does not explicitly specify the use of particular varieties of dictionary (brand, artist), or a product of a brand taken from a brand dictionary.

However, as noted above, placed content in the form of advertisements includes brands and products of such brands, and is matched to a user query [0116]. Further, the categories, including those of FIG 4A include music and lyrics, which suggests that categories such as singers, bands, and the like would be included in the refinements of these general categories. A sub-map of either lyrics or music that included them corresponds to an artist dictionary.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for details such as specific brands and artistic elements in a dictionary or map because there are such a large number of possibilities that refinement of the search is efficient and useful.

The elements of **claims 43-44 and 46-48** are rejected in the analysis above and these claims are rejected on that basis.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER